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13 Attorneys for Defendant/Counter-Claimant
14 AMERICAN HONDA MOTOR CO., INC. and
15 Defendant HONDA OF AMERICA MFG., INC.

16 AMERICAN CALCAR, INC.,

17 Plaintiff,

18 Civil No. 06-2433-DMS (CAB)

19 v.
20 AMERICAN HONDA MOTOR CO., INC. and
21 HONDA OF AMERICA MFG., INC.,

22 Defendants.

23 **AMERICAN HONDA'S NOTICE OF
24 RENEWED MOTION AND RENEWED
25 MOTION FOR JUDGMENT AS A
26 MATTER OF LAW OF INVALIDITY OF
27 THE '759 PATENT AND, IN THE
28 ALTERNATIVE, MOTION FOR A NEW
TRIAL**

29 HEARING: January 23, 2009
30 TIME: 1:30 p.m.
31 PLACE: Courtroom 10
32 JUDGE: Honorable Dana M. Sabraw

33 **SPECIAL BRIEFING SCHEDULE SET**

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE THAT**, pursuant to Fed. R. Civ. P. 50(b), Defendants
3 American Honda Motor Co., Inc. and Honda of America Mfg., Inc. (collectively, "American
4 Honda") renew their Motion for Judgment as a Matter of Law of Invalidity of the '759 Patent.
5 Before the case was given to the jury, pursuant to Fed. R. Civ. P. 50(a), American Honda
6 moved for Judgment as a Matter of Law of Invalidity of the '961 and '759 patents (Dkt. #513).
7 That motion and its supporting documents are incorporated by reference in the instant renewed
8 motion. The instant renewed motion is further based upon: (1) American Honda's brief in
9 opposition to Calcar's motions for judgment as a matter of law regarding invalidity of the '961
10 and '759 patents (Dkt. #523); (2) the Federal Rules of Civil Procedure; (3) the files and records
11 in this action; and (4) any and all other materials submitted to the Court on or before the time
12 of its decision in this matter.

13 American Honda further moves, in the alternative, for a new trial, pursuant to Fed. R.
14 Civ. P. 59.

15 American Honda will file its briefing in accordance with the Court's instructions.

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1 Dated: December 2, 2008

FISH & RICHARDSON P.C.

3 By: /s/Michael M. Rosen

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CERTIFICATE OF SERVICE

2 The undersigned hereby certifies that a true and correct copy of the above and
3 foregoing document has been served on December 2, 2008 to all counsel of record who are
4 deemed to have consented to electronic service via the Court's CM/ECF system per Civil
5 Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile and/or
6 overnight delivery.

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